REMARKS

This application has been carefully reviewed in light of the Final Office Action dated March 29, 2006, and the Advisory Action dated May 24, 2006. Claims 1-8 remain pending in this application and were finally rejected by the Examiner. Claim 1 is the independent claim. Favorable reconsideration is respectfully requested.

On the merits, the Office Action rejected Claims 1-8 under 35 U.S.C. §103(a) as being unpatentable over Wenger (U.S. Patent No. 4,574,185; hereinafter "Wenger"). The Office Action further rejected Claims 1-8 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,427,580. Applicants respectfully traverse the above rejections for at least the following reasons.

Wenger fails to recite, suggest, or teach a deep fat fryer wherein the "control system, while the heating element is active, is adapted for generating a first food lowering command signal for loading food in response to a temperature signal from the temperature sensor circuit representing a first predetermined sensed temperature below said upper limit value," as recited by Applicants' Claim 1. Wenger discloses two different signals or signal lights, a-1 and b-1, neither of which provides an indication for loading food in response to a temperature signal. Signal light a-1 in Wenger indicates that the "operating temperature is going to be reached imminently and that [the user] can immerse the basket" and therefore provides an indication to submerge the basket already filled with food and is an immersion signal. *See* Wenger, column 2, lines 28-30. Signal light b-1 in Wenger indicates when the heater is fed with current and according to Wenger is optional. *See* Wenger, column 2, lines 15-17, 31-34. Therefore, neither signal light in Wenger provides an indication to load the basket with food as disclosed in Applicants' invention. Hence, Wenger does not recite, suggest, teach, or render obvious all of the claim elements in Applicants' Claim 1.

Claims 1-8 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over the claims of U.S. Patent No. 6,427,580. Applicants have attached to this response to Office Action a proper Terminal Disclaimer.

Claims 2-8 depend from independent Claim 1 as discussed above and are therefore believed patentable for at least the same reasons. Applicants further believe the §103(a) rejections of Claims 2-8 to be moot in light of the above remarks and request their withdrawal.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the currently pending claims are clearly patentably distinguishable over the cited and applied references. Accordingly, entry of this amendment, reconsideration of the rejections of the claims over the references cited, and allowance of this application is earnestly solicited.

Respectfully submitted,

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July 31, 2007